



2009 SENATE BILL 541

February 17, 2010 – Introduced by Senators RISSE, TAYLOR and COGGS, cosponsored by Representatives HRAYCHUCK, TURNER, BERCEAU, MOLEPSKE JR., SMITH, SINICKI and BROOKS. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

- 1 **AN ACT** *to amend* 815.29 (1) and 815.31 (1) of the statutes; **relating to:** providing
2 public notice of a sale of personal property or real estate on execution.

Analysis by the Legislative Reference Bureau

Under current law, a judge may order that personal property or real estate be sold to satisfy a judgment against a person. Current law requires that public notice of the sale be posted in three public places in the town or municipality where the sale is to be held and, in the case of real estate, where the real estate is located, if the real estate is not within the town or municipality where the sale is to be held.

This bill requires that public notice of the sale be posted in one public place in the town or municipality where the sale is to be held and, in the case of real estate, where the real estate is located, and on a Web site that is maintained by the county where the sale is to be held and on a Web site that is maintained by the county where the real estate is located, if the real estate is not within the town or municipality where the sale is to be held. Under the bill, if the town or municipality where the sale is to be held or where the real estate is located maintains a Web site, like town or municipality may also post the notice on its Web site.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 **SECTION 1.** 815.29 (1) of the statutes is amended to read:

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1 815.29 (1) No execution sale of personal property shall be made unless 20 days
2 previous notice of such sale has been given by posting ~~notices~~ a notice thereof in 3
3 ~~public places~~ one public place of the town or municipality where such sale is to be had,
4 ~~specifying and, if the county where such sale is to be had maintains a Web site, by~~
5 ~~posting a notice on the Web site. If the town or municipality where such sale is to~~
6 ~~be had maintains a Web site, the town or municipality may also post a notice on its~~
7 ~~Web site. The notice shall specify~~ the time and place of sale but when any property
8 seized is likely to perish or depreciate in value before the expiration of the 20 days
9 the court or a judge may order the same to be sold in such manner and upon such
10 terms as the best interests of the parties demand. Every such sale shall be made at
11 auction between the hour of 9 a.m. and 5 p.m. and no property shall be sold unless
12 it is in view of those attending the sale, except in the case of the sale of the interest
13 of the judgment debtor in property in the possession of a secured party. It shall be
14 offered for sale in such lots and parcels as is calculated to bring the highest price.

15 **SECTION 2.** 815.31 (1) of the statutes is amended to read:

16 815.31 (1) The time and place of holding any sale of real estate on execution
17 shall be publicly advertised by posting a written notice describing the real estate to
18 be sold with reasonable certainty in ~~3 public places~~ one public place in the town or
19 municipality where such real estate is to be sold and, if the county where such real
20 estate is to be sold maintains a Web site, by posting a notice on the Web site, at least
21 3 weeks prior to the date of sale; and also in ~~3 public places~~ one public place of the
22 town or municipality in which the real estate is situated, if it is not in the town or
23 municipality where the sale is to be held and, if the county where such real estate
24 is situated maintains a Web site, also posting a notice on the Web site. If the town

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1 or municipality where such real estate is situated or is to be sold maintains a Web
2 site, the town or municipality may also post a notice on its Web site.

3 (END)